

Application Serial No. 10/657,637
Amendment dated August 9, 2005
Reply to Office Action dated June 14, 2005

Amendments to the Drawings:

The attached sheets of drawings include changes to Figs. 6 and 13. The sheet which includes Figs. 5-7 replaces the original sheet including Figs. 5-7. The sheet which includes Figs. 11-13 replaces the original sheet including Figs. 11-13.

Attachments: Replacement Sheets (2)
Annotated Sheets Showings Changes (2)

REMARKS

Claims 1-17 are pending. Claims 1-5 have been allowed. Claims 14-17 have been withdrawn. Claims 9 and 11-13 have been rejected. Claims 6-8 and 10 have been objected to.

Specification

Applicants have amended the specification in response to the Examiner's objection. In particular, Applicants have amended Paragraph [0032] to recite: "A clamp having two points of contact, such as bearing surfaces 175 and 177 of legs 182 and 184, with a fastener, such as fastener 176, securing the clamp to fixed scroll 22 between the two points of contact, firmly secures valve retainer 172 and valve leaf 170 against rear surface 22a of fixed scroll 22....".

The foregoing recitation of the bearing surfaces 175 and 177 now provides antecedent basis in the specification for the corresponding terms recited in Claims 2, 6, and 9. Applicants submit that because the foregoing bearing surfaces were recited in independent Claims 6 and 9 as originally filed, and are shown in Fig. 6 as originally filed, no new matter has been added.

Drawings

Applicants have amended Fig. 6 to include reference numerals and lead lines for bearing surfaces 175 and 177. Applicants have also amended Fig. 13 to provide a lead line for reference numeral 285.

Claim Objections

Applicants submit that the above-discussed amendments to the specification and drawings place independent Claim 6, as well as Claims 7 and 8 which depend therefrom, in condition for allowance.

Claim Rejections – 35 U.S.C. §103(a)

The Examiner rejected Claims 9 and 11-13 under 35 U.S.C. §103(a) as being obvious over U.S. Patent No. 5,720,601 to Tark et al. ("Tark '601") in view of Japanese Patent

No. JP 2000-329083 to Shimada et al. ("Shimada '083"). Tark '601 discloses, as illustrated in Figs. 4 and 5, a valve assembly including valve 34 covering exhaust hole 33, valve spring 35 and valve fixing device 39 for holding one end of valve 34 against head 31. The Examiner relies on Shimada '083 for disclosing a scroll compressor.

Amended independent Claim 9 calls for, *inter alia*, a scroll compressor including a first scroll member having a first base plate, a discharge passage extending through the first base plate at a first location wherein the first base plate has a first thickness, a recess defined by the first base plate, a fastener, and a clamping member disposed within the recess and having first and second bearing surfaces and a central span portion disposed therebetween, the central span portion *spaced from* the rear face of the first base plate, the *central span portion* of the clamping member attached to the first base plate via the fastener at a second location wherein the first base plate has a second thickness greater than the first thickness.

Advantageously, as discussed in Paragraph [0032] of the present application, the claimed clamping member can firmly secure the valve against the base plate with a fastener without requiring the clamping member to be manufactured to tight tolerances.

Applicants respectfully submit that independent Claim 9, and Claims 11-13 depending therefrom, are not obvious over Tark '601 in combination with Shimada '083 because each of the foregoing references, either alone or in combination, fails to disclose each and every element of independent Claim 9. In particular, Tark '601 does not disclose a clamping member having a central span portion disposed between first and second bearing surfaces *spaced from* the rear face of a base plate, the *central span portion* attached to the base plate via a fastener, as called for in independent Claim 9.

On the contrary, as illustrated in Fig. 4 of Tark '601, valve fixing device 39 does not have a central span, spaced from the rear face of a base plate, attached to the base plate via a fastener. Rather, valve spring 35 and valve fixing device 39 of valve plate 40 are discontinuous and are not attached to housing part 32 via a fastener. Rather, valve plate 40 appears to be captured between head cover 38 and housing part 32. The Examiner relies on Shimada '083 to disclose a scroll compressor and does not correct the deficiencies of Tark '601.

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Thus, Applicants respectfully submits that amended independent Claim 9, as well as Claims 11-13 which depend therefrom, are not obvious under 35 U.S.C. §103(a) over Tark '601 in view of Shimada '083.

Applicants further submit that independent Claim 9 is allowable and generic, and therefore respectfully request the Examiner to bring previously withdrawn dependent Claims 14-17 back into the present application and to indicate the allowability of same.

It is believed that the above represents a complete response to the Official Action and reconsideration is requested. Specifically, Applicants respectfully submit that the application is in condition for allowance and respectfully requests allowance thereof.

In the event Applicants have overlooked the need for an additional extension of time, payment of fee, or additional payment of fee, Applicants hereby petition therefore and authorize that any charges be made to Deposit Account No. 02-0385, Baker & Daniels.

Should the Examiner have any further questions regarding any of the foregoing, he is respectfully invited to telephone the undersigned at (260) 424-8000.

Respectfully submitted,



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CERTIFICATION OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on: August 9, 2005

ADAM F. COX, REG. NO. 46,644

Name of Registered Representative



Signature

August 9, 2005

Date

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APPENDIX

Enclosed: Replacement Sheets (2)
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